(3)

of 2003

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 2019 OF 2003

PETITIONERS : 1. Shobhnath Tiwari, Son of Bindeshwari Tiwari, aged about 55 years, working as Revenue Inspector, R 1 Circle, Baikunthpur, Distt : Koriya

2. B.P. Mishra, Son of Shivanand Mishra, aged about 40 years working as Patwari, Patwari ward No. 4, Baikunthpur, Distt : Koriya

P. R. No. 1621/03
Presented by Shri S. Pandya
dated 06/02/03

VERSUS

RESPONDENTS : 1. State of Chhattisgarh through the Secretary, Department of Revenue, D.K.S. Bhavan, Mantralaya, Raipur, Distt : Raipur.

2. Collector, Distt : Koriya At : Baikunthpur, Distt : Koriya.

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

(31)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2019/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8-8-2003 Shri Prashant Mishra, counsel for the petitioners. Shri Ranbir Singh, Govt. Advocate for the State/ respondents. By this petition under Article 226/227 of the Constitution of India the petitioners have challenged the order of the Collector, Koriya, dated 24-6-2003 (Annexure P/1) by which the Collector (respondent No.2) has ordered that the presence of the petitioners will not be accepted. As per the averments made in the petition, the petitioner No.1 Shobhnath Tiwari was transferred from Revenue Inspector Circle, Baikunthpur to District Dantewada and the petitioner No.2 B.P. Mishra was transferred from Patwari Circle No.4, Baikunthpur to District Dantewada, by order dated 24-4-2003 (Annexure P/2). Thereafter by order dated 4-6-2003 (Annexure P/4) these transfers were cancelled by the State Government. On passing	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2019/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

this order both the petitioners returned back to their original posting place and submitted joining report vide Annexure P/5 and Annexure P/6. However, the respondent No.2 made a reference to the Revenue Secretary and asked for the guidance at the same time copies were endorsed to the petitioners in which it has been mentioned that their presence will not be accepted.

The notice of this writ petition was accepted by the State counsel on 11-7-2003 and learned State counsel requested two weeks time to file the return which was allowed to him. Today when the matter was called out the learned Government Advocate again sought time. But since sufficient time has already been granted and the matter is very short. Moreover, the transfer of the petitioners was made by the State Government and the State Government cancelled that order. The petitioners have returned back their original place of postings.

पीछे देखिए

(33)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

WP 2019/03

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

I failed to understand as to why the respondent No.2 is not allowing the petitioners to work at their places and, in this case they are sitting without any work and ultimately they take the salary without doing any work and that will be loss to the public exchequer. There was no question of seeking any advise from the State Government even then in an arbitrary manner the Collector is not allowing the petitioners to work at their place of posting, therefore, in view of the above facts and circumstances, the order of the respondent No.2 is quashed and it is directed to allow the petitioners to work at their place of posting from where they were relieved in pursuance of the transfer order dated 24-4-2003 (Annexure P/2).

The writ petition is disposed of accordingly.

In view of the above order, M.(W).P.No.1829/2003 and I.A.No.6090/2003 stands disposed of.

Sd/-
L.C. Bhadoo
Judge

Gowri

04/09/03

16/9/03

पीछे देखिए